

**United States
Department of
Agriculture**

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service



Wisconsin Chronic Wasting Disease Program

**Environmental Assessment,
August 2002**

Wisconsin Chronic Wasting Disease Program

**Environmental Assessment,
August 2002**

Agency Contacts:

Dr. Lynn Creekmore
CWD Program Officer
National Wildlife Research Center, Veterinary Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4101 Laporte Avenue
Fort Collins, CO 80521
Telephone: 970-266-6128

Mr. Gary Littauer
National Environmental Manager
Wildlife Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
2113 Osuna Road, N.E., Suite B
Albuquerque, NM 87113
Telephone 505-346-2640

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint, write USDA, Director of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal employment opportunity employer.

Table of Contents

I. Introduction	1
II. Need for the Proposal	5
III. Alternatives	5
IV. Environmental Consequences	7
V. Listing of Agencies, Organizations, and Individuals Consulted	15

I. Introduction

A. Background

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service's Veterinary Services and Wildlife Services work in cooperation with Wisconsin State agencies to carry out programs to control and eradicate certain animal diseases to protect the health of the nation's livestock and wildlife. The proposed program is designed to address the imminent threat posed by chronic wasting disease to the health and survival of populations of certain wild and captive herds of cervid animals.¹

Chronic wasting disease (CWD) is a transmissible spongiform encephalopathy (TSE) of cervids (elk, deer, and other members of the deer family) that has been detected only in North America. The first recognition of this disease was a clinical "wasting" syndrome in mule deer in 1967. Its occurrence is characterized by chronic weight loss in the infected animal that leads to its death. Behavioral changes also occur in many cases and include decreased interactions with other animals in the pen (for captive animals), listlessness, lowering of the head, blank facial expression, and repetitive walking in set patterns in the pen.

To date, CWD has affected Rocky Mountain elk, mule deer, white-tailed deer, and black-tailed deer. A number of cervids, including woodland caribou, Columbian white-tailed deer, and key deer have been listed by the U.S. Fish and Wildlife Service as threatened or endangered. Thus, the rapid spread of CWD could pose a serious risk to threatened or endangered species.

Other ruminant species such as cattle, sheep (domestic and bighorn), pronghorn antelope, and goats have been housed with, or indirectly exposed to, CWD-infected deer and there has been no evidence of transmission of the disease to these other species. Historically, the known distribution of CWD in wild elk and deer populations was limited to locations in northeastern Colorado, southeastern Wyoming, and western

¹ Because of CWD's transmission among cervid wildlife populations, a Wisconsin State agency has asked for assistance from APHIS' Wildlife Services to remove deer for diagnostic tissue analysis, discrete actions which Wildlife Services has determined are categorically excluded from the need to prepare either an environmental assessment or environmental impact statement.

Nebraska. Recently CWD has been detected in wild deer in areas well outside of the known endemic area. These areas include southwestern South Dakota, south central Wisconsin, and south central New Mexico. In Wisconsin, testing of 500 wild deer within the last year has revealed 18 positive cases of CWD, or an overall disease prevalence of 3.6 percent. However, the prevalence of disease in the wild cervid populations in Colorado has been found to reach as high as 15–20 percent. A small number of captive herds in South Dakota, Nebraska, Oklahoma, Montana, Kansas, and Colorado have been found to have CWD.

Animal health regulations have been established to enable APHIS to make indemnity payments for voluntary depopulation of captive cervid herds infected with chronic wasting disease. A CWD eradication and indemnity program is presently active and has involved the States of Colorado, Nebraska, Kansas, and Oklahoma. APHIS' regulations in 9 Code of Federal Regulations (CFR) subchapter B govern cooperative programs to control and eradicate communicable diseases of livestock. In accordance with 21 United States Code (U.S.C.) 111–113, 114a, 115, 117, 120, 123, and 134a, the Secretary of Agriculture has the authority to promulgate regulations and take measures to prevent the introduction into the United States and the interstate dissemination within the United States of communicable diseases of livestock and poultry, and to pay claims related to the destruction of diseased and potentially infected animals. Animal health regulations promulgated by the Department under this authority include those specifically addressing control programs and indemnity payments for tuberculosis (part 50), brucellosis (part 51), pseudorabies (part 52), scrapie (part 54), and other diseases (part 53).

The primary statutory authority for APHIS' involvement in eradication and suppression of wild cervid populations as part of disease suppression programs is the Act of March 2, 1931, as amended (7 U.S.C. 426-426c; 46 Stat. 1468).

In addition, Wisconsin State agencies have regulatory authorities that permit participation in cooperative disease management programs. Their authorities involve regulation of importation of all cervids and registration of nonnative cervid species. In addition, a Wisconsin State agency licenses the operation of white-tailed deer farms. Wisconsin requires mandatory testing on all carcasses of captive cervids 16 months or older if any part of the carcass leaves the farm. Wisconsin State agencies work closely to exclude, contain, and eradicate CWD. Wisconsin is planning an extensive expansion of their CWD testing program for hunter-harvested deer and of their wild deer population reduction program in designated

CWD eradication zones and adjacent management units where there are elevated risks of CWD transmission. Their goal is to depopulate 15,000 deer from the eradication zone within the next year. The State of Wisconsin has the primary responsibility for any actions related to disease management of CWD in wildlife and captive cervid populations. In addition to the intentional depopulation, each year there are from 400,000 to 600,000 deer harvested by hunters. The State of Wisconsin has set a goal of testing tissues for CWD from 25,000 to 30,000 of these harvested deer.

The presence of CWD in cervids causes substantial economic and market losses to U.S. farmed cervid producers. Recently, Canada has begun to require, as a condition of importation of elk from the United States that the animals be accompanied by a certificate stating that the herd of origin is not located in Colorado or Wyoming, and that CWD has never been diagnosed in the herd of origin. South Korea and Japan recently suspended the importation of deer, elk, and their products from the United States and Canada. The domestic prices for elk are severely affected by fear of CWD, and it is extremely difficult to sell elk that have any history of exposure to CWD (Chronic Wasting Disease in Cervids; Payment of Indemnity; APHIS; Interim Rule: Federal Register, February 8, 2002; page 5926).

CWD has been confirmed in free-ranging deer in a number of counties in Wisconsin, primarily in the southern part of the State. Licenses and leases for hunting in Wisconsin are an important source of revenue during the fall and winter seasons. The State of Wisconsin is interested in maintaining this recreational source of income by continuing to promote hunting and working to eradicate CWD from the wild populations of deer in the State. The extent to which the presence of CWD will decrease the extent of recreational hunting activities is unclear; however, it is clear that deer showing clinical signs of CWD (e.g., stunting and low weight) are not likely to attract the interest of sport hunters that are seeking venison and a trophy for display. APHIS' previous involvement with Wisconsin State agencies has been limited to removal of minimal numbers of deer for preliminary disease surveillance under their authority. In order for the State of Wisconsin to meet their eradication zone goals in free-ranging deer, any farmed animals with CWD would require a similar response. In addition, ongoing prevention of reintroduction of disease would have to be ensured by adequate enforcement of the regulations on interstate and international movement of farmed and wild cervids. This effort would be facilitated by Federal assistance to regulate movement and provide incentives (indemnity payments) to ensure timely removal of diseased and potentially exposed animals.

The origin and mode of CWD transmission remains unclear. Some animals born in captivity and some born in the wild have been infected with this disease. Based upon epidemiology, transmission is thought to be lateral, or from animal to animal. Although maternal transmission is possible, it is of only limited importance in maintaining epidemics. These factors determining transmission, in conjunction with the infrequent detection of CWD in captive herds, suggest that prompt action may assist in eradicating CWD and would prevent potential spread of CWD to new herds when susceptible cervids are transported (Chronic Wasting Disease in Cervids; Payment of Indemnity; APHIS; Interim Rule: Federal Register, February 8, 2002; page 5926).

B. About This Process

Notwithstanding the fact that the primary actions to control CWD are within the control of Wisconsin State agencies, APHIS may provide limited assistance to these State agencies in their management efforts. For example, tissue sampling and testing for confirmation of disease are services provided by APHIS to inform the State authorities about disease incidence, which allows the State to formulate further actions that may be necessary to manage CWD risks. These APHIS services, however, normally are categorically excluded from the need to prepare either an environmental assessment or an environmental impact statement under APHIS' National Environmental Policy Act (NEPA) procedures (7 CFR § 372.5(c)(1) and (2)).

Funding may also be made available through APHIS for indemnity payments for depopulation of captive cervids infected with CWD. Although the proposed monetary assistance provided by APHIS would occur primarily at the request of, and be controlled by, the State agencies in Wisconsin, the effective management of disease risks from CWD in Wisconsin by the State is facilitated by such Federal involvement which promises a more timely response to the disease risks present. A Wisconsin State agency has asked APHIS Wildlife Services to assist with their depopulation efforts in the eradication zones.

Primary control of animal disease prevention and deer removal efforts resides with the State of Wisconsin, thus calling into question the value of any Federal process in planning and decisionmaking for this program. Still, an educated and involved citizenry can help inform planners and decisionmakers at all levels of government. In the circumstances, the best way in which to involve and educate Wisconsin citizens consistent with the State's timeframe of need is through the public NEPA process.

This environmental assessment and any accompanying documents will be made available to the public for comment for a period of 30 days. It is entirely possible that the urgent need to prevent spread of CWD to or through captive cervid herds and wildlife populations could require that action be taken prior to the close of the comment period. None of the planners and decisionmakers involved in this effort is precluded from considering comments filed in this process at any time (even after actions to deal with the threat have begun) and making appropriate adjustments to ongoing program operations.

II. Need for the Proposal

Given the magnitude of the CWD threat in Wisconsin, there is need for Federal assistance by providing incentives and other measures to facilitate swift and effective control and elimination of the disease before it spreads to additional wild or captive cervid populations in Wisconsin. This action in Wisconsin is consistent with CWD-related actions taken in the States of Colorado and Nebraska. The goal of the proposed action is to encourage the maximum participation in the State-run efforts to eliminate CWD from cervid populations.

III. Alternatives

Alternatives considered for the program include No Action and the proposed program (preferred alternative). Each alternative is described briefly below.

A. No Action

Under the no action alternative, Veterinary Services would continue to provide sampling and analysis of potentially infected tissues of cervids collected by the State agencies. APHIS also would continue to provide technical advice and assistance. Wildlife Services would continue to provide minimal assistance to the State of Wisconsin in removal of deer from eradication zones. The Wisconsin State agencies, cervid game ranchers, and hunting advocates could take whatever steps they deem necessary to eliminate, suppress, and/or contain the disease. Under this alternative, funding provided by APHIS for CWD would be limited to cover only depopulation costs and some losses to captive cervid herds. There would continue to be either depopulation of infected captive cervids or extended quarantine to ensure no further spread of the disease.

B. Wisconsin Chronic Wasting Disease Program

The primary Federal role in the CWD program would be to provide coordination and assistance with research, surveillance, disease management, diagnostic testing, technology, communications, information dissemination, education, and funding for the State CWD Program. The specific functions of APHIS are explained in detail in the “Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids” (Chronic Wasting Disease Task Force, 2002). APHIS involvement concerns surveillance, disease management, diagnostic testing, information dissemination, and funding.

This APHIS role involves an expansion of the current Federal involvement, in that current surveillance, sampling, diagnostic analysis, technical assistance, and information dissemination would increase commensurate with program need. Most of these activities generate minimal environmental impacts. The expanded request for testing samples by Wisconsin creates certain logistical issues of concern. The number of samples during the next year is projected to approach 40,000. Although a single sample can be confirmed as positive or negative for the disease within 3 days of processing by an analyst, the increased number of samples will result in a longer average time to complete. The diagnostic laboratory goal is a 6-week turnaround for results to allow timely program response to positive outcomes; however, the availability of supplies and analysts will determine processing times for the large number of samples.

The primary environmental issues in this program relate to disease management. The surveillance and sampling efforts will be commensurate with program goals for depopulation or eradication zones. The amount of deer removal by Wildlife Services will be determined by Wisconsin State agencies, but this depopulation is expected to occur primarily in eradication zones and adjacent management areas. There may be some removal associated with surveillance at locations where incidence data are lacking. The accepted means of carcass disposal include incineration with sanitary landfill of remaining ashes, biological digestion, and limited secure sanitary landfill procedures. Each of these disposal techniques has certain benefits and shortcomings.

APHIS would further support actions of the Wisconsin CWD program by providing funds for indemnity payments to be dispersed to cover any livestock losses from depopulation efforts and related take designed to delimit and eliminate infected animals from the captive cervid populations. These indemnity payments for losses would be contingent on compliance with specific premises plans for cleaning, disinfecting, and

restocking with livestock following depopulation. Funding for other aspects of the program would be determined on a case-by-case basis. APHIS' involvement is expected to be refined as more information is learned from the researchers about epidemiology, disease transmission, and persistence of the causal agents (prions) in the environment.

IV. Environmental Consequences

A. No Action

The potential adverse environmental consequences of taking no Federal action are much greater than those from the proposed program. This alternative would limit APHIS involvement to primarily technical advice and disease diagnostic assistance. Although APHIS' Wildlife Services could assist Wisconsin State agencies in the surveillance and removal of deer, the depopulation efforts would be conducted mainly by the State. Requests to APHIS by Wisconsin would be handled on a case-by-case basis with limited involvement in depopulation efforts. The effectiveness of no action at containing and eliminating CWD in captive and free-ranging deer would, therefore, depend primarily upon the ability of Wisconsin State agencies, cervid farmers, hunters, and wildlife management associations to adequately address the complex issues. The exclusion of further introductions of CWD-infected animals to Wisconsin cervid herds will be very difficult because there are no effective screening methods for the State to use. Effective containment and elimination of disease in free-ranging wildlife is a difficult undertaking. The lack of coordination among the State agencies, ranchers, hunters, and wildlife management associations could further confound good intentions. Based upon the lack of success (spread and increased prevalence of CWD) to achieve favorable results with the more conservative approach taken in the Colorado and Wyoming endemic areas, the likely outcome in Wisconsin would be comparable to these other States in the absence of early and aggressive response. Federal assistance through APHIS will be an important asset in this response.

The direct effect of no APHIS action would be that Federal resources could not be applied to the suppression and eradication efforts other than through occasional assistance. This would be expected to ultimately result in prevalence of CWD in free-ranging deer in Wisconsin to approach 15 to 20% as has been observed in Colorado. Such increases in disease frequency could be associated with more frequent infections of captive deer and elk herds and declines in the health of the free-ranging deer

populations. This disease would be expected to spread through lateral transmission to herds throughout the State (not just the present distribution) and to disease-free areas of adjacent States. The survival rates of deer populations in the generally infected zones would decrease dramatically. Ultimately, there could be no justification for Federal assistance with surveillance of free-ranging herds of deer if increased prevalence of CWD were to result in high enough rates of infection to establish the disease as endemic throughout the State.

The lower numbers and less healthy populations of deer could have negative aesthetic consequences for recreational naturalists, hunters, and wildlife managers. The hunters and recreational groups who routinely visit Wisconsin natural areas could elect to travel to other locations where such conditions are nonexistent or less prevalent. The market for venison and deer hides would be expected to decline. The additional efforts required by wildlife managers and cervid farmers to deal with CWD could lead to decisions to lower expectations or change of stock to species not susceptible to CWD. The potential loss of breeding stock, loss of markets for deer and deer products (such as velvet), and more limited access to interstate markets for animal herd transport are all economic costs that would increase. International restrictions on deer and deer products have been made by only a few countries at present, but the higher prevalence of CWD anticipated from the no action alternative would likely result in more restrictive sanitary regulations by other countries with associated market loss.

The known causative agent for CWD is a prion, and this disease has been classified as a transmissible spongiform encephalopathy. Although there are some differences in the prion responsible for transmission of CWD from the prion responsible for bovine spongiform encephalopathy (BSE) in cattle, concern has been expressed about the potential of the prions causing CWD to convert to a disease agent in humans and other animals. Field studies have reported that cattle and ruminants other than cervids (deer and elk) do not contract CWD when grazing in the same pastures as CWD-infected deer and elk. Experimental inoculation studies involving cattle are currently underway.

Establishing a clear relationship between prions and disease is difficult because prions or abnormal proteins may remain present in a latent form for extended periods of time (years) before being activated molecularly to convert other protein. Although a number of anecdotal studies of cases of Creutzfeldt-Jakob disease (CJD) have created concern regarding a possible link to the CWD prion, epidemiological studies by CDC have shown no relationship between CWD and disease in humans. The Centers for

Disease Control (CDC) has released the following statement regarding potential human health risk: “Although it is generally prudent to avoid consuming food derived from any animal with evidence of a TSE, to date, there is no evidence that CWD has been transmitted or can be transmitted to humans under natural conditions. However, there is not yet strong evidence that such transmissions could not occur. To further assess the possibility that the CWD agent might occasionally cause disease in humans, additional epidemiologic and laboratory studies could be helpful, including molecular characterization and strain typing of the agents causing CWD in deer and elk and CJD in potentially exposed patients. Ongoing national surveillance for CJD and other neurological cases will remain important for continuing to assess the risk, if any, of CWD transmission to humans.” Even those scientists who believe CWD could spread to humans have acknowledged that the number of cases is likely to remain small and the risks low. Research will continue on the issue of disease transmission and potential host range within the next few years, and any important findings from that research can be expected to influence future risk assessments and program decisions about potential actions related to CWD.

B. Proposed Program

The primary APHIS role in the proposed Wisconsin CWD Program is to provide coordination and assistance with surveillance, disease management, diagnostic testing, information dissemination, and indemnity funding. These actions are designed to decrease the prevalence of CWD in deer populations in Wisconsin and to decrease many of the potential risks to wildlife and human health. Successful removal of infected deer by the program would certainly decrease the prevalence and potential risks. There is, however, incomplete delimitation of the distribution within Wisconsin of CWD in deer. If the expanded surveillance of the proposed program is able to provide adequate information about where the disease does exist within the State, then the program can focus upon specific goals such as eradication.

Expansion of the current sampling, diagnostic analysis, technical assistance, and information dissemination through the proposed program would not generate any substantial negative environmental impacts. These aspects of the proposed program will not be discussed further. Although to some extent the results of diagnostic analyses will influence future program decisions to increase surveillance or expand management efforts, the influence is uncertain and impacts from these responsive actions are covered under their respective topics. Most surveillance methods are noninvasive and involve only field observation. However, part of CWD

disease surveillance requires removal of deer from captive and free-ranging herds for sampling neurological tissues for potential infection. Although this effort involves less take and less disposal than disease management efforts such as depopulation, environmental consequences of this type of action are considered further in this section. Separate sections will also cover the potential environmental consequences related to depopulation efforts and to disposal processes. Although most program funding is tied to environmental issues covered in other sections, a brief discussion will be provided of potential environmental consequences of providing indemnity payments for losses from depopulation of captive cervid herds. These topics are followed by a section on additional considerations such as environmental justice, protection of children, endangered species issues, and potential cumulative impacts.

1. Surveillance

As stated in the previous paragraph, most aspects of surveillance have little if any environmental consequences. However, the taking of deer to acquire tissues to analyze for CWD prevalence does affect the environment. The surveillance part of the program has involved take of more than 500 deer, of which at least 18 were infected. The procedures for surveillance sampling of the deer are designed to prevent potentially infected tissues of the killed animals from remaining at the site of collection and to ensure that disposal occurs in a manner that does not expand or continue the disease cycle in the free-roaming deer population. This may involve placement of carcasses in sealed plastic, site cleaning around the location of the collected dead animal carcasses, and disinfection of vehicles used to transport samples and/or carcasses. Some of these same handling issues will also apply to depopulation and disposal processes.

The small number of deer taken as part of the disease surveillance efforts will have little if any effect on the size of deer populations that remain within the State of Wisconsin. There are an average of 400,000 to 600,000 tags for deer hunted annually in the State. Future surveillance is designed to take advantage of this fact by sampling a large number (approximately 25,000 to 30,000) of the hunted deer for diagnostic processing. In addition, the program surveillance effort has set the goals of taking an additional 15,000 deer for diagnostic analysis independent of the recreational-hunted deer. Although the number of deer taken annually may seem impressive, the effects of this factor on mortality in white-tailed deer populations in Wisconsin has not prevented overpopulation at various locations throughout the State. Proper care in surveillance selection and handling of carcass tissues preclude substantial negative environmental impacts.

2. Depopulation Efforts

Depopulation efforts in Wisconsin are expected for deer located within predetermined eradication zones and adjacent management areas considered to be at high risk of CWD transmission. The eradication zones presently being considered occur in parts of Dane and Iowa Counties, but other sites are likely to require depopulation as the program surveillance is better able to delimit those locations where CWD has been introduced. Because the number of white-tailed deer is sufficiently high throughout the State, the population would not be substantially diminished by local efforts to depopulate. The removal of all infected deer would make for a healthier population that would readily re-establish itself in those locations where all deer are removed. Several of the surveillance issues related to decontamination of collection site, fomites (inanimate objects on which disease-causing agents exist) associated with carcass transport, and sample collection also pertain to depopulation efforts.

3. Disposal Processes

There are three primary disposal processes being considered for those carcasses collected as part of the Wisconsin CWD program. It is the intent of the State to minimize any environmental effects from these methods of disposal. The processes include (1) air curtain incineration, (2) alkaline hydrolytic tissue digestion, and (3) sanitary landfill disposal.

a. Air Curtain Incineration

Air curtain incineration of carcasses and other infected materials is expected to destroy most prions and other toxic substances. The incinerators are designed to attain operating temperatures of 1800 °C to 2800 °C. These high temperatures at the stack flue eliminate nearly all smoke and particulates. These emissions pose little if any air contamination concerns. The remaining ash is expected to generally be free of toxic substances, but there may be some viable prions present in the ash due to variability of incineration temperature within the unit and incomplete combustion of all materials burned. Proper collection and disposal of this ash in a sanitary landfill should eliminate any residual toxins or prions of concern. These incinerators do create a fair amount of noise, but the incinerators generally are not placed near residential or other locations that the general public would frequent. Air curtain incinerators have been shown to efficiently burn 75,000 pounds of carcasses per day (150 elk, weighing an average of 500 pounds each). This is substantially more weight (14,000 pounds) of carcasses than digesters can handle per day. The majority of the CWD prions occur in lymphoid and neurologic tissues of the head of the infected cervids. With the inability to ensure consistent burning of the ashes within the incinerator, disposal of the affected head tissues may be achieved via alkaline digestion (slower but more complete elimination of prions) and the body tissues (most of the

animal) may be sent to the incinerator where more material can be efficiently handled and there are still low risks of some prion survival due to inadequate combustion temperatures. It is expected that the program will involve some of both approaches in elimination of disease risks.

b. Alkaline Hydrolytic Tissue Digestion

Alkaline hydrolytic tissue digestion is the most effective technique to eliminate CWD prions from infected tissues, but the digesters cannot handle as much material as air curtain incinerators. The largest available alkaline digesters can adequately handle 14,000 pounds per day (2 loads at 7,000 pounds per load).

As mentioned previously, this disposal technique could be combined with incineration to ensure maximum efficiency of treatment and maximum elimination of prion risks. As with the incinerators, these units would be placed in secure locations where access is restricted to unit and program personnel. Residential and public lands would not be near these facilities. Any remaining effluent from the digester could be hydrated (water-evaporated) and the solids disposed of in secured sanitary landfills. Any odors or other emissions would pose no environmental risks.

c. Sanitary Landfill Disposal

The primary concerns relate to the ability of sanitary landfills to contain any remaining infective prions or other potentially hazardous substances associated with the carcasses and to prevent any runoff to surface water or any leaching to groundwater. The linings of sanitary landfills are such that movement of prions or other substances is largely precluded. These facilities are required to adhere to water quality standards set by the U.S. Environmental Protection Agency and Wisconsin State agencies. Contamination of soil or water outside the landfill liner is not anticipated from this program. Most of the materials deposited in the sanitary landfill will have undergone prior incineration to eliminate most substances of concern. These ashes do not normally contain substantial amounts of toxic materials, and most prions are expected to be burned off. Similar issues would pertain to any effluents collected from alkaline hydrolytic tissue digesters. The landfill sites are placed at undisturbed locations where access is restricted to landfill managers. The enclosures surrounding the landfill should keep out most people and wildlife. It may require some review and monitoring of individual sites to ensure that criteria for containment of hazardous substances are met. As with other samples and carcasses, handling and transport to the disposal pits will require care to prevent any cross-contamination of vehicles or other potential fomites.

4. Indemnity Payment Funding

The payment of indemnity for losses to those cervid farms that are requested to depopulate due to CWD detection within their herds poses no environmental consequences per se. However, this does increase potential impacts from the surveillance, depopulation, and disposal activities described above. In addition, such payments do require specific premises plans for cleaning, disinfecting, and restocking with livestock following depopulation. However, there is no mandatory requirement to depopulate those herds, and a manager who insists on maintaining his herds (which may continue the CWD disease cycle) could make CWD disease suppression more difficult. These payments for CWD have been limited to only a few game ranches in other States, and there are, as yet, no cervid ranches infected with CWD in Wisconsin.

5. Additional Considerations

There are various environmental laws, regulations, and executive orders that could apply to the action being considered. The more applicable ones are addressed below; others will be addressed on a site-specific basis prior to any APHIS action.

a. Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” requires each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions.

Disease suppression and eradication efforts in this program are targeted at infected deer populations, wherever they may be located. Although CWD-infected deer have not been detected in any minority or low-income communities, this is possible with the continuing spread of the disease. There are a number of Tribal governments within Wisconsin whose lands could include herds of domesticated and wild deer. The program will make coordination essential with those Tribal governments to address any special concerns at these locations if the presence of CWD is detected there. It is anticipated that the program as a whole will not have disproportionate adverse effects on any particular minority or low-income populations over those to the general population.

b. Protection of Children

Executive Order 13045, “Protection of Children From Environmental Health Risks and Safety Factors,” requires each Federal agency to address

disproportionate environmental health risks or safety risks to children from implementation of proposed policies, programs, activities, and standards. The proposed CWD program in Wisconsin does not pose greater risks to children than to other parts of the affected populations. The removal of diseased deer improves the health of the deer population and eliminates the primary public health concerns, including those related to children.

c. Threatened and Endangered (T&E) Species

Section 7 of the Endangered Species Act (ESA) and the ESA's implementing regulations require Federal agencies to consult with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of critical habitat.

APHIS has considered the potential effects on T&E species and their habitats. The nature of this program precludes direct effects on those species and their habitats. Much of the program action is directed by State agencies of Wisconsin. Wildlife Services has reviewed the T&E species lists in Dane and Iowa Counties and consulted with U.S. Fish and Wildlife Service. The selective removal of deer from the population to enhance disease eradication in those counties is not expected to result in effects to any endangered species. Wildlife Services actions in those counties were determined to pose “no effect” to any federally listed T&E species. However, a T&E cervid species, the woodland caribou, occurs in other parts of Wisconsin. APHIS will expand consultation to cover other actions and other parts of the State of Wisconsin as necessary to ensure that the ongoing program has no effect on T&E species or their habitats.

d. Potential Cumulative Impacts

The potential cumulative impacts from the proposed program's component control methods relate primarily to the long-term health and size of deer populations in Wisconsin. Successful suppression of CWD disease would be beneficial to uninfected deer and would be protective of the interests of other concerned groups (hunters, wildlife managers, and game farms). The proper disposal of carcasses should result in no long-term cumulative impacts. The primary cumulative concern is the ongoing nature of disease suppression, which could take a long time with extensive depopulation and disposal efforts. The selective nature of the eradication zones should help to restrict disease movement and minimize spread, thereby diminishing impacts as the reservoir for CWD inoculum decreases. Health concerns

related to CWD should decrease commensurate with the elimination of diseased cervids.

V. Listing of Agencies, Organizations, and Individuals Consulted

Environmental Services
Policy and Program Development
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 149
Riverdale, MD 20737-1238

International Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 67
Riverdale, MD 20737-1233

Veterinary Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 33
Riverdale, MD 20737-1231

Wildlife Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
750 Windsor Street, Room 101
Sun Prairie, WI 53590

Wisconsin Department of Natural Resources
Bureau of Wildlife Management
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Wisconsin Department of Agriculture, Trade & Consumer Protection
2811 Agriculture Drive
Madison, WI 53718

United States Department of Agriculture

Animal and Plant Health Inspection Service

Finding of No Significant Impact

Wisconsin Chronic Wasting Disease Program—Environmental Assessment Process

In the environmental assessment that accompanies this finding, analysts in our Animal and Plant Health Inspection Service's (APHIS) environmental unit describe the results of their examination of the potential effects of providing assistance—funding and other measures—to Wisconsin in an effort to help that State control and eliminate chronic wasting disease (CWD), a disease that can spread through and be fatal to wild and captive cervid species, including deer, elk, and other members of the deer family. The environmental assessment notes that control of Wisconsin's CWD program resides in the State and that, as a consequence, the principal function of this process—to inform APHIS decisionmaking—cannot be achieved because, insofar as the State's CWD program is concerned, this agency has no decisions to make. While we may indeed lack decisionmaking authority with respect to the State's program, I am not persuaded that this process will serve no useful purpose; on the contrary, given the urgency with which the animal disease needs to be addressed, the questions that remain about the disease, and the lack of public awareness, this process is not only useful, it is necessary, especially for the purpose of establishing a baseline of information in a public process upon which to build in coming months and years as we collectively deal with the issues.

The threat posed by CWD was recognized recently by a task force comprised of agencies of the Federal and State governments and experts from academia. In its plan,¹ the task force stated that “[a]n effective national control program for CWD in wild and captive cervids is urgently needed to prevent its introduction into new areas and to eliminate or control CWD where it already occurs.” The task force went on to observe that a “lack of resources in some States and inconsistencies among the approaches and standards for disease control underscore the need for assistance in developing an effective national approach to CWD control. Federal assistance can help resolve these problems.”

CWD is a transmissible spongiform encephalopathy (TSE) that affects cervids, including deer, elk, and other members of the deer family. Some members of that family have been listed by the

¹ Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids (June 21, 2002).

United States Fish and Wildlife Service pursuant to the Endangered Species Act as threatened or endangered. Left unchecked, CWD could ultimately pose a serious risk to protected cervid species. As the environmental assessment aptly points out, the disease itself, which causes chronic weight loss in animals leading to death, represents a substantial threat to the quality of the environment. In the circumstances, the “no-action” alternative—meaning basically no Federal assistance to the State—considered in the environmental assessment is unacceptable.

The CWD control and elimination program contemplated by the State is not devoid of potential negative environmental impacts. The main impact-generating phenomena associated with program operations include depopulation of infected animals and herds and disposal of the remains. The environmental assessment documents the State’s efforts to reduce the potential of these phenomena to cause environmental harm, including spread of the disease through various disposal methods, to an absolute minimum. I am satisfied that no aspect of environmental quality in Wisconsin will be jeopardized by Federal assistance that may be provided for the State’s CWD program; on the contrary, given the magnitude of the threat posed by CWD in Wisconsin, a number of environmental quality values could be jeopardized were Federal assistance to be withheld. Accordingly, consistent with regulations implementing the National Environmental Policy Act (NEPA) and this agency’s NEPA procedures, I find that provision of Federal assistance to Wisconsin for the purpose of facilitating swift and effective control and elimination of CWD pursuant to the State’s program will not significantly affect the quality of the human environment.

This finding and the underlying environmental assessment will be made available to the public for comment for a 30-day period; notices of availability will be published in local newspapers in Milwaukee and Madison. This is an ongoing program, however, and public comment on it is always welcome.

/S/

Bobby R. Acord
Administrator
Animal and Plant Health Inspection Service

8/9/02

(Date)